FILED

07 NOV 19 AM 11:58

CLERK. U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: PDV DEPUTY

Li Li
14117 Rasmussen Way
San Diego, CA 92129
858-245-7566 (cell)
858-484-4716 (fax)

Plaintiff

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Li Li, **Plaintiff,** **vs.** **Michael Chertoff, Secretary of the Department of Homeland Security** **US Department of Homeland Security** **Washington, DC 20528** **Emilio T. Gonzalez, Director of USCIS** **Department of Homeland Security** **U.S. Citizenship and Immigration Services** **Washington, DC 20528** **Robert S. Mueller, III, Director of FBI** **Federal Bureau of Investigation** **J. Edgar Hoover Building** **935 Pensylvania Ave., NW** **Washington, DC 20535-0001** **Christina Poulos, Acting director** **U.S. Department of Homeland Security** **US Citizenship and Immigration Services** **California Service Center** **P.O. Box 30111** **Laguna Niguel, CA 92607-0111** **Defendants.**	'07CV 2200 J JMA Case No.__________ COMPLAINT FOR WRIT IN THE NATURE OF MANDAMUS & DECLARATORY JUDGEMENT

JURISDICTION

1. This Court has subject matter jurisdiction over this petition under 28 U.S.C. § 1331 (Federal question statute) since this is a civil action arising under the Constitution and the laws of the United states, including the Fifth Amendment to the U.S. Constitution, provisions of Title 8 U.S.C. § 1101 et seq. (Immigration and Nationality Act, INA) and applicable regulations, policies and procedures arising there under. This Court may grant relief in this action under 28 U.S.C. § 1361 (Mandamus Act); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2201 (Declaratory Judgment Act); and under 5 U.S.C. § 701 et seq. (Administrative Procedures Act).

VENUE

2. Venue is proper in this court, pursuant to 28 USC §1391(e), in that Plaintiff may request a hearing on the matter in the District where Plaintiff resides.

DISTRICT COURT ASSIGNMENT

3. This lawsuit should be assigned to the Southern District Court of California in San Diego because the plaintiff resides in the San Diego county.

PLAINTIFF'S ORIGINAL COMPLAINT FOR WRIT IN THE NATURE OF MANDAMUS & DECLARATORY JUDGEMENT

NOW come the Plaintiff, Li Li, by and through Pro Se, in the above-captioned matter, and hereby states as follows:

4. This is a petition for a statutory relief pursuant to law including US Constitution, Mandamus Act (28 U.S.C. § 1361), Declaratory Judgment Act (28 U.S.C. § 2201), and the Administrative Procedures Act (5 U.S.C. § 551 et seq.). This action is brought against the Defendants to compel action on the unreasonably delayed processing of Plaintiff's N400 application. The application was filed and remains within the jurisdiction of the Defendants, who have improperly handled and delayed processing the application to Plaintiff's detriment.

PARTIES

5. Plaintiff, **Li Li**, resides at 14117 Rasmussen Way, San Diego, CA 92129, alien number **A075-772-787**, is the applicant of an N400, Application For Naturalization, filed with the USCIS California Service Center on April 28, 2006.

6. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security, and this action is brought against him in his official capacity. He is generally charged with enforcement of the Immigration and Nationality Act, and is further authorized to

delegate such powers and authority to subordinate employees of the Department of Homeland Security. 8 USC § 1103(a). More specifically, the Secretary of the Department of Homeland Security is responsible for the adjudication of applications for nonimmigrant visas filed pursuant to the Immigration and Nationality Act (INA). The U.S. Citizenship & Immigration Services is an agency within the Department of Homeland Security to whom the Secretary of the Department of Homeland Security's authority has in part been delegated, and is subject to the Secretary of the Department of Homeland Security's supervision.

7. Defendant Emilio T. Gonzalez is the Director of the U.S. Citizenship & Immigration Services (USCIS) and an official generally charged with supervisory authority over all operations of the USCIS with certain specific exceptions not relevant here. 8 CFR § 103.1(g)(2)(ii)(B).

8. Defendant Robert S. Mueller, III, Director of Federal Bureau of Investigations (FBI), the law enforcement agency that conducts security clearances for other U.S. government agencies, such as the Department of State. As will be shown, Defendant has failed to complete the security clearances of Plaintiff's cases.

9. Defendant Christina Poulos is the Acting director of the California Service Center of the USCIS where the plaintiff's N400 application is filed and an official generally charged with supervisory authority over all operations of the California Service Center within the USCIS.

EXHAUSTION OF REMEDIES

10. The Plaintiff has exhausted her administrative remedies. The Plaintiff has supplied the USCIS documents that clearly establish her eligibility for Naturalization.

CAUSE OF ACTION

11. Plaintiff properly filed and applied for N400, Application For Naturalization on April 28, 2006. Attached hereto as **Exhibit A** in an acknowledgement document by the USCIS.

12. Following the submission of N400 application, Plaintiff was requested to provide and actually provided fingerprints for security checks on June 1, 2006. Stamped fingerprinting notice is provided as **Exhibit B**.

13. In the receipt of Plaintiff's N400 application, **Exhibit A**, it's clearly stated that a notification for interview by the local INS office is expected within 365 days. It's been *19 month* since INS received Plaintiff's application.

14. In order to find out the reason of the delay, Plaintiff made numerous phone calls to the phone number provided on the application receipt, 1-800-375-5283, and sent emails to INS, to inquire about the status of her case. Plaintiff was told that the USCIS still had

not completed the FBI Name Check Clearance and that it has been pending since June 2006.

15. As a desperate measure, Plaintiff wrote California Senator Dianne Fernstein's office asking for her help on this case. Senator Dianne Fernstein's office contacted USCIS office on Plaintiff's behalf, and was told that her application is still pending background check. The two response letters from the senator's office are attached hereto as **Exhibit C**.

16. As of Nov. 16, 2007, *19 months* after submitting all documents *to USCIS*, no resolution on plaintiff's N400 application has been reached so she is filing present Complaint with the Souther California District Court. This action challenges only the Defendants' timeliness in adjudication of Petitioner's application, not the granting or denial of that application.

17. Plaintiff has always complied with immigration and civil laws and has never been convicted of any crime and has never presented a security risk to the United States of America.

18. Section 202 (8 U.S.C. § 1571) of the Title II of the American Competitiveness in Twenty-first Century Act of 2000 (AC21) clearly lays down the parameters of reasonableness in immigration adjudication, stating: "…It is the sense of Congress that

the processing of an immigration benefit application should be completed not later than **180 days** after the initial filing of the application."

19. Defendants are also required by 5 U.S.C. § 551 "within a reasonable time ... to conclude a matter presented... ."

INJURY TO PETITIONER

20. The Plaintiff has been greatly damaged by the failure of Defendants to act in accord with their duties under the law. Her application to become permanent resident of the United States is pending before USCIS for over 19 months.

21. Plaintiff has been unable to obtain US passport, her business travel was somehow restricted.

GROUNDS FOR RELIEF

22. Defendants, despite having a duty to act within reasonable time, have failed to process and adjudicate Petitioner's application for permanent residency in a timely manner.
23. Defendant USCIS' duty to process and adjudicate Petitioner's application "within a reasonable time" (*within 12 months*) is a non-discretionary duty mandated by federal and judicial precedent.

24. Defendant USCIS' conduct in failing to process Petitioner's application and adjudicate her case in a reasonably timely manner has caused unnecessary and injurious delays to Petitioner, in violation of her rights.
25. Petitioner has exhausted all administrative remedies available and has determined that no adequate remedy exists.

Count I.

Mandamus Action

28 U.S.C. § 1651

26. Petitioner incorporates all allegations made hereinabove that are pertinent to this Court.
27. Defendants are charged with the mandatory responsibility of administering and implementing the Immigration and Nationality Act.
28. Defendants bear sole responsibility for timely adjudication of Naturalization application and for orderly attendant procedures.
29. Defendants have failed to discharge their mandated duties.
30. As a result, Petitioner has suffered and continues to suffer irreparable harm and damages entitling her to declaratory, injunctive and other relief.
31. Petitioner has exhausted all possible administrative remedies and there exists no other adequate remedy.
32. Strong humanitarian factors favor granting of Mandamus relief.

Count II.

Administrative Procedures Act

5 U.S.C. § 555 and 5 U.S.C. § 702 et seq.

33. Petitioner incorporates all allegations made hereinabove that are pertinent to this Court.
34. By failing to render timely decision on Petitioner's application, Defendants have violated the Administrative Procedures Act and this constitutes agency action that is arbitrary and capricious, and not in accordance with law. 5 U.S.C. § 701 et seq., 702, 706 ("agency action unlawfully withheld or unreasonably delayed" under § 706(1)) and 5 U.S.C. § 555.
35. Defendants have failed to discharge their mandated official duties.
36. As a result, Petitioner has suffered and continues to suffer irreparable harm and damages entitling him to declaratory, injunctive and other relief.

Count III.

Declaratory Judgment Act

28 U.S.C. § 2201

37. Petitioner incorporates all allegations made hereinabove that are pertinent to this Court.
38. Petitioner contend that Defendants' actions and decisions relating to delays in AOS adjudication and attendant procedures are unconstitutional, violate the INA, and are arbitrary and capricious and seek a declaration to that effect under 28 U.S.C. § 2201.
39. Defendants have failed to discharge their mandated official duties.

40. As a result, Petitioner has suffered and continues to suffer irreparable harm and damages entitling her to declaratory, injunctive and other relief.

Count IV.

Equal Access to Justice Act

5 U.S.C. § 504 and 28 U.S.C. § 2412

41. Petitioner incorporates all allegations made hereinabove that are pertinent to this Court.

42. If prevails, Petitioner will seek court costs under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412

PRAYER

43. WHEREFORE, in view of the arguments and authority noted herein, the Plaintiff respectfully prays that the Defendants be cited to appear herein and that, upon due consideration, the Court enter an order:

(a) assuming jurisdiction over this cause;

(b) requiring Defendants to properly adjudicate Plaintiff's application for action on an approved petition;

(c) requiring Defendants to provide the Plaintiff with a Notice of Approval;

(d) granting such other relief at law and in equity as justice may require;

(e) granting costs of court.

Dated: November 12, 2007

RESPECTFULLY SUBMITTED,

Li Li

Petitioner, **Pro Se**

14117 Rasmussen Way,

San Diego, CA 92129

Cell: 858-245-7566

Fax: 858-484-4716

E-mail: lili92129@gmail.com

Exhibit A

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

THE UNITED STATES OF AMERICA

Receipt			NOTICE DATE May 09, 2006
CASE TYPE N400 Application For Naturalization			INS A# A 075 772 787
APPLICATION NUMBER WSC*001503217	RECEIVED DATE April 28, 2006	PRIORITY DATE April 28, 2006	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS

LI LI
14117 RASMUSSEN WAY
SAN DIEGO CA 92129

PAYMENT INFORMATION:

Single Application Fee:	$400.00
Total Amount Received:	$400.00
Total Balance Due:	$0.00

The above application has been received by our office and is in process. Our records indicate your personal information is as follows:

Date of Birth: January 09, 1973
Address Where You Live: 14117 RASMUSSEN WAY
SAN DIEGO CA 92129

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 365 days of this notice.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at **1-800-375-5283**. If you are hearing impaired, please call the NCSC TDD at **1-800-767-1833**.

If you have access to the Internet, you can also visit INS at **www.ins.usdoj.gov**. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address:
US IMMIGRATION AND NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER
P.O BOX 10400
LAGUNA NIGUEL CA 92607-

WSC$001611930

INS Customer Service Number:
(800) 375-5283

APPLICANT COPY

THE UNITED STATES OF AMERICA

Fingerprint Notification			NOTICE DATE May 09, 2006
CASE TYPE N400 Application For Naturalization			INS A# A 075 772 787
APPLICATION NUMBER WSC*001503217	RECEIVED DATE April 28, 2006	PRIORITY DATE April 28, 2006	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS

LI LI
14117 RASMUSSEN WAY
SAN DIEGO CA 92129

BIOMETRICS PROCESSING STAMP
ASC SITE CODE: XSD
BIOMETRICS QA REVIEW BY:
ON
FINGERPRINTS QA REVIEW BY:
ON 6/1/06

To process your application, INS must take your fingerprints and have them cleared by the FBI. **PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.** If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. **RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW OR FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.**

APPLICATION SUPPORT CENTER
CIS SAN DIEGO
2505 EL CAJON BLVD.
SAN DIEGO CA 92104

DATE AND TIME OF APPOINTMENT
06/01/2006
11:00 AM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:

1. **THIS APPOINTMENT NOTICE** and
2. **PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.

PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.

REQUEST FOR RESCHEDULING

Please reschedule my appointment for the next available: ☐ Wednesday afternoon ☐ Saturday afternoon

INS cannot guarantee the day preferred, but will do so to the extent possible.
Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:

CIS SAN DIEGO
2505 EL CAJON BLVD.
SAN DIEGO CA 92104

If you have any questions regarding this notice, please call 1-800-375-5283.

APPLICANT COPY

APPLICATION NUMBER
WSC*001503217

WARNING!
Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.

Exhibit C1

DIANNE FEINSTEIN
CALIFORNIA

COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND ADMINISTRATION—CHAIRMAN
SELECT COMMITTEE ON INTELLIGENCE

United States Senate

WASHINGTON, DC 20510-0504

http://feinstein.senate.gov

August 31, 2007

Mr. Li Li
14117 Rasmussen Way
San Diego, California 92129

Dear Li:

The U.S.C.I.S. has told me that your application is still pending background check. I have enclosed a fact sheet about background checks for your information. If you would like us to make an inquiry with the FBI please submit another Immigration Assistance form requesting that we do so.

I hope that this information is helpful and that it will clarify the situation for you. If you have further questions, or if there is any way the Senator's office can help you in the future on other federal matters, I hope you will contact us again.

Sincerely,

Jessica Hartzell
Constituent Services Representative

Exhibit C2

DIANNE FEINSTEIN
CALIFORNIA

COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND ADMINISTRATION—CHAIRMAN
SELECT COMMITTEE ON INTELLIGENCE

United States Senate

WASHINGTON, DC 20510-0504
http://feinstein.senate.gov

August 3, 2007

Mr. Li Li
14117 Rasmussen Way
San Diego, California 92129

Dear Mr. Li:

Thank you for contacting my office regarding your concerns with your pending N-400. I appreciate your bringing this to my attention and giving me an opportunity to see if my office can be of assistance.

I have asked Jessica Hartzell in my San Francisco office to assist you. Ms. Hartzell has contacted the US Citizenship and Immigration Services on your behalf. You will hear back from my office when a response is received from the agency, which usually takes from six to eight weeks.

Again, thank you for contacting me. My San Francisco staff will do all they can to help you.

Sincerely,

Dianne Feinstein
United States Senator

DF:jh

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

FILED

07 NOV 19 AM 11:59

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

I (a) PLAINTIFFS

LI, LI

DEFENDANTS

Michael Chertoff, Secretary of Dept. of Homeland Security
Emilio T. Gonzales, Director of USCIS
Robert S. Mueller, III, Director of FBI
Christina Poulos, Director of USCIS California Center

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Pro Se

ATTORNEYS (IF KNOWN)

'07 CV 2200 J JMA

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- X 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX (For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT

	PT	DEF		PT	DEF
Citizen of This State	1	1	Incorporated or Principal Place of Business in This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business in Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 USC §§ 1391 and 1361, 5 USC §701 et seq., and 28 USC §2201 et seq.
The defendants failed to adjudicated plaintiff's AOS application.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT
- 110 Insurance
- 120 Marine
- 130 Miller Act
- 140 Negotiable Instrument
- 150 Recovery of Overpayment &Enforcement of Judgment
- 151 Medicare Act
- 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- 153Recovery of Overpayment of Veterans Benefits
- 160 Stockholders Suits
- 190 Other Contract
- 195 Contract Product Liability

REAL PROPERTY
- 210 Land Condemnation
- 220 Foreclosure
- 230 Rent Lease & Ejectmant
- 240 Tort to Land
- 245 Tort Product Liability
- 290 All Other Real Property

TORTS

PERSONAL INJURY
- 310 Airplane
- 315 Airplane Product Liability
- 320 Assault, Libel & Slander
- 330 Federal Employers' Liability
- 340 Marine
- 345 Marine Product Liability
- 350 Motor Vehicle
- 355 Motor Vehicle Product Liability
- 360 Other Personal Injury

PERSONAL INJURY
- 362 Personal Injury- Medical Malpractice
- 365 Personal Injury - Product Liability
- 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- 370 Other Fraud
- 371 Truth in Lending
- 380 Other Personal Property Damage
- 385 Property Damage Product Liability

CIVIL RIGHTS
- 441 Voting
- 442 Employment
- 443 Housing/Accommodations
- 444 Welfare
- 440 Other Civil Rights

PRISONER PETITIONS
- 510 Motions to Vacate Sentence Habeas Corpus
- 530 General
- 535 Death Penalty
- 540 Mandamus & Other
- 550 Civil Rights
- 555 Prisoner Conditions

FORFEITURE/PENALTY
- 610 Agriculture
- 620 Other Food & Drug
- 625 Drug Related Seizure of Property 21 USC881
- 630 Liquor Laws
- 640 RR & Truck
- 650 Airline Regs
- 660 Occupational Safety/Health
- 690 Other

LABOR
- 710Fair Labor Standards Act
- 720 Labor/Mgmt. Relations
- 730 Labor/Mgmt. Reporting & Disclosure Act
- 740 Railway Labor Act
- 790 Other Labor Litigation
- 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- 422 Appeal 28 USC 158
- 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- 820 Copyrights
- 830 Patent
- 840 Trademark

SOCIAL SECURITY
- 861 HIA (13958)
- 862 Black Lung (923)
- 863 DIWC/DIWW (405(g))
- 864 SSID Title XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS
- 870 Taxes (U.S. Plaintiff or Defendant)
- 871 IRS - Third Party 26 USC 7609

OTHER STATUTES
- 400 State Reappointment
- 410 Antitrust
- 430 Banks and Banking
- 450 Commerce/ICC Rates/etc.
- 460 Deportation
- 470 Racketeer Influenced and Corrupt Organizations
- 810 Selective Service
- 850 Securities/Commodities Exchange
- 875 Customer Challenge 12 USC
- 891 Agricultural Acts
- 892 Economic Stabilization Act
- 893 Environmental Matters
- 894 Energy Allocation Act
- 895 Freedom of Information Act
- 900 Appeal of Fee Determination Under Equal Access to Justice
- 950 Constitutionality of State
- X 890 Other Statutory Actions

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

X 1 Original Proceeding • 2 Removal from State Court • 3 Remanded from Appelate Court • 4 Reinstated or Reopened • 5 Transferred from another district (specify) • 6 Multidistrict Litigation • 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: • CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23 **DEMAND $** Check YES only if demanded in complaint: **JURY DEMAND:** • YES • NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE Docket Number

DATE 11/20/2007 SIGNATURE OF ATTORNEY OF RECORD [signature]

::ODMA\PCDOCS\WORDPERFECT\22816\1 January 24, 2000 (3:10pm)

144650 $350 11/19/07

UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

144650 - SH

November 19, 2007
12:00:43

Civ Fil Non-Pris
07-02200
Judge..: NAPOLEON A JONES, JR
Amount.: $350.00 CC
Check#.: 195139

Total-> $350.00

FROM: LI, LI V. CHERTOFF ET AL
CIVIL FILING